

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JANE DOE 1, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

-v-

JPMORGAN CHASE BANK, N.A.,

Defendant/Third-Party Plaintiff,

-v-

JAMES EDWARD STALEY,

Third-Party Defendant.

22-cv-10019 (JSR)

GOVERNMENT OF THE UNITED STATES VIRGIN
ISLANDS,

Plaintiff,

-v-

JPMORGAN CHASE BANK, N.A.,

Defendant/Third-Party Plaintiff,

-v-

JAMES EDWARD STALEY,

Third-Party Defendant.

22-cv-10904 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On September 29, 2023, the Government of the United States Virgin Islands ("USVI") filed a stipulation of voluntary dismissal of its action against JPMorgan Chase Bank, N.A. ("JPMorgan") in Case No. 22-

cv-10904 pursuant to Federal Rule of Civil Procedure ("FRCP") 41(a)(1)(ii). See Dkt. Nos. 343, 344. On October 6, 2023, JPMorgan filed a similar stipulation of voluntary dismissal of its third-party claims against third-party defendant James Staley in Case No. 22-cv-10904 (Dkt. 345) and in Case No. 22-cv-10019 (Dkt. 242).

These separate attempted dismissals pursuant to FRCP 41(a)(1)(ii) were technically improper because they were not each "signed by all parties who have appeared" in the respective actions. Fed. R. Civ. P. 41(a)(1)(ii). Accordingly, they must be treated as requests for voluntary dismissal pursuant to FRCP 41(a)(2), which requires court approval. See FRCP 41(a)(2) ("Except as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper."). Having conducted an *in camera* review of the terms of the two settlements that underlie the above requests for dismissal, and taking note as well of the class action settlement (pending approval) in 22-cv-10019, the Court finds that the dismissals embodied in the aforementioned stipulations are proper. Accordingly, USVI's request to dismiss its claims against JPMorgan in Case No. 22-cv-10904 (Dkt. Nos. 343, 344), and JPMorgan's requests to dismiss its third-party claims against Staley in Case No. 22-cv-10904 (Dkt. 345) and Case No. 22-cv-10019 (Dkt. 242) are hereby granted.

The following motions in Case No. 22-cv-10904 are hereby denied as moot: Dkt. 217, Dkt. 222, Dkt. 288, Dkt. 294, Dkt. 306, Dkt. 334 & Dkt. 337. The Clerk of the Court is respectfully directed to close the

following motions in Case No. 22-cv-10904, which were resolved by prior rulings of the Court: Dkt. 178, Dkt. 191, Dkt. 196, Dkt. 197, Dkt. 198 & Dkt. 199. The Clerk of the Court is respectfully directed to close Case No. 22-cv-10904.

The following motions in Case No. 22-cv-10019 are hereby denied as moot: Dkt. 199 & Dkt. 225. Case No. 22-cv-10019 shall remain open.

SO ORDERED.

New York, NY
October 18, 2023


JED S. RAKOFF, U.S.D.J.